

EXHIBIT J

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CALIFORNIA SPORTFISHING

9 PROTECTION ALLIANCE

10 **UNITED STATES DISTRICT COURT**

11 **EASTERN DISTRICT OF CALIFORNIA**

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14 CALIFORNIA SPORTFISHING
15 PROTECTION ALLIANCE,

16 Plaintiff,

17 v.

18 PACIFIC BELL TELEPHONE COMPANY

19 Defendant.
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Case No: 2:21-cv-00073-JDP

**PLAINTIFF'S OBJECTIONS TO
DEFENDANT'S SECOND SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

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I. OBJECTIONS TO DEFINITIONS

DEFINITION NO. 8.

“YOU” or “YOUR” refers to California Sportfishing Protection Alliance, including its members, agents, representatives or anyone else acting on YOUR behalf.

OBJECTION TO DEFINITION NO. 8.

Plaintiffs object to this definition because it purports to require Plaintiff to respond on behalf of all of its members. Plaintiff does not have access to all information held by each member and seeking such information is not proportional to the needs of the case. Fed. R. Civ. Proc. 26(b)(1).

II. OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 27:

Produce all DOCUMENTS and COMMUNICATIONS concerning or discussing any actual or potential payments made to YOU or another on YOUR behalf to FUND or otherwise support the ACTION.

OBJECTIONS TO REQUEST NO. 27:

Plaintiff objects to this Request because it seeks information that is not relevant to any party’s claim or defense. Fed. R. Civ. Proc. 26(b)(1). In an environmental enforcement action, the issue is whether Defendant has violated the relevant act; DOCUMENTS and COMMUNICATIONS concerning funding of this ACTION has no bearing on any issues related to liability, standing, or applicable defenses. *See La. Envtl. Action Network v. Cintas Corp.*, No. 03-711-C-M2, 2004 U.S. Dist. LEXIS 31841, **3-5 (M.D. La. Sep. 30, 2004). Therefore, Plaintiff is withholding documents responsive to this Request on this basis. Moreover, Plaintiff will not provide a privilege log of these documents because the Request is wholly irrelevant to this Action.

Moreover, Plaintiff objects to this request because it is disproportionate to the needs of the case. Fed. R. Civ. Proc. 26(b)(1). As explained above, the information requested has no bearing on any claims or defenses; thus, the information lacks any importance to the issues at stake in the action and the burden and expense of gathering this evidence outweighs any possible benefit. *Id.* Plaintiffs are withholding documents responsive to this Request on this basis.

Further, Plaintiff objects to this Request because it seeks information that infringes on our donors' First Amendment rights of free association. *Perry v. Schwarzenegger*, 591 F.3d 1126, 1140 (9th Cir. 2009). The freedom to associate encompasses the ability to make financial contributions in order to further a common goal. *See Buckley v. Valeo*, 424 U.S. 1, 22 (1976) (holding that contribution limitations impinged on protected associational freedoms); *see also Citizens United v. FEC*, 558 U.S. 310, 339, 342-43 (2010). If CSPA were to disclose its donors and potentially open those donors up to further discovery from Defendant's counsel, this would likely have a chilling effect on current and future donors' willingness to financially support the organization and/or litigation. *See Tree of Life Christian, Sch. v. City of Upper Arlington*, No. 2:11-cv-00009, 2012 U.S. Dist. LEXIS 32205, at *9 (S.D. Ohio Mar. 12, 2012), citing to *Perry*, 59 F.3d. at 1163. Thus, Plaintiff is withholding documents responsive to this Request on this basis.

Finally, Plaintiff objects to the extent this Request seeks disclosure of DOCUMENTS or COMMUNICATIONS that are subject to the attorney-client privilege and/or attorney work product, which are not subject to disclosure. Plaintiff is withholding documents responsive to this Request on this basis.

REQUEST NO. 28:

Produce all DOCUMENTS and COMMUNICATIONS concerning or discussing any payments requested by YOU or or [sic] another on YOUR behalf to FUND or otherwise support the ACTION.

OBJECTIONS TO REQUEST NO. 28:

Plaintiff objects to this Request because it seeks information that is not relevant to any party's claim or defense. Fed. R. Civ. Proc. 26(b)(1). In an environmental enforcement action, the issue is whether Defendant has violated the relevant act; DOCUMENTS and COMMUNICATIONS concerning funding of this ACTION has no bearing on any issues related to liability, standing, or applicable defenses. *See La. Envtl. Action Network v. Cintas Corp.*, No. 03-711-C-M2, 2004 U.S. Dist. LEXIS 31841, **3-5 (M.D. La. Sep. 30, 2004). Therefore, Plaintiff is withholding documents responsive to this Request on this basis. Moreover, Plaintiff will not provide a privilege log of these documents because the Request is wholly irrelevant to this Action.

Moreover, Plaintiff objects to this request because it is disproportionate to the needs of the case. Fed. R. Civ. Proc. 26(b)(1). As explained above, the information requested has no bearing on any claims or defenses; thus, the information lacks any importance to the issues at stake in the action and the burden and expense of gathering this evidence outweighs any possible benefit. *Id.* Plaintiffs are withholding documents responsive to this Request on this basis.

Further, Plaintiff objects to this Request because it seeks information that infringes on our donors' First Amendment rights of free association. *Perry v. Schwarzenegger*, 591 F.3d 1126, 1140 (9th Cir. 2009). The freedom to associate encompasses the ability to make financial contributions in order to further a common goal. *See Buckley v. Valeo*, 424 U.S. 1, 22 (1976) (holding that contribution limitations impinged on protected associational freedoms); *see also Citizens United v. FEC*, 558 U.S. 310, 339, 342-43 (2010). If CSPA were to disclose its donors and potentially open those donors up to further discovery from Defendant's counsel, this would likely have a chilling effect on current and future donors' willingness to financially support the organization and/or litigation. *See Tree of Life Christian, Sch. v. City of Upper Arlington*, No. 2:11-cv-00009, 2012 U.S. Dist. LEXIS 32205, at *9 (S.D. Ohio Mar. 12, 2012), citing to *Perry*, 59 F.3d. at 1163. Thus, Plaintiff is withholding documents responsive to this Request on this basis.

Finally, Plaintiff objects to the extent this Request seeks disclosure of DOCUMENTS or COMMUNICATIONS that are subject to the attorney-client privilege and/or attorney work product, which are not subject to disclosure. Plaintiff is withholding documents responsive to this Request on this basis.

REQUEST NO. 29:

Produce all DOCUMENTS concerning or discussing any litigation-funding agreement or similar agreement with any third party to provide FUNDING or other financial support to YOU for the ACTION.

OBJECTIONS TO REQUEST NO. 29:

Plaintiff objects to this Request because it seeks information that is not relevant to any party's claim or defense. Fed. R. Civ. Proc. 26(b)(1). In an environmental enforcement action, the issue is whether Defendant has violated the relevant act; DOCUMENTS and COMMUNICATIONS

1 concerning funding of this ACTION has no bearing on any issues related to liability, standing, or
2 applicable defenses. *See La. Envtl. Action Network v. Cintas Corp.*, No. 03-711-C-M2, 2004 U.S.
3 Dist. LEXIS 31841, **3-5 (M.D. La. Sep. 30, 2004). Therefore, Plaintiff is withholding documents
4 responsive to this Request on this basis. Moreover, Plaintiff will not provide a privilege log of these
5 documents because the Request is wholly irrelevant to this Action.

6 Moreover, Plaintiff objects to this request because it is disproportionate to the needs of the
7 case. Fed. R. Civ. Proc. 26(b)(1). As explained above, the information requested has no bearing on
8 any claims or defenses; thus, the information lacks any importance to the issues at stake in the action
9 and the burden and expense of gathering this evidence outweighs any possible benefit. *Id.* Plaintiffs
10 are withholding documents responsive to this Request on this basis.

11 Further, Plaintiff objects to this Request because it seeks information that infringes on our
12 donors' First Amendment rights of free association. *Perry v. Schwarzenegger*, 591 F.3d 1126, 1140
13 (9th Cir. 2009). The freedom to associate encompasses the ability to make financial contributions in
14 order to further a common goal. *See Buckley v. Valeo*, 424 U.S. 1, 22 (1976) (holding that contribution
15 limitations impinged on protected associational freedoms); *see also Citizens United v. FEC*, 558 U.S.
16 310, 339, 342-43 (2010). If CSPA were to disclose its donors and potentially open those donors up to
17 further discovery from Defendant's counsel, this would likely have a chilling effect on current and
18 future donors' willingness to financially support the organization and/or litigation. *See Tree of Life*
19 *Christian, Sch. v. City of Upper Arlington*, No. 2:11-cv-00009, 2012 U.S. Dist. LEXIS 32205, at *9
20 (S.D. Ohio Mar. 12, 2012), citing to *Perry*, 59 F.3d. at 1163. Thus, Plaintiff is withholding documents
21 responsive to this Request on this basis.

22 Finally, Plaintiff objects to the extent this Request seeks disclosure of DOCUMENTS or
23 COMMUNICATIONS that are subject to the attorney-client privilege and/or attorney work product,
24 which are not subject to disclosure. Plaintiff is withholding documents responsive to this Request on
25 this basis.

26 REQUEST NO. 30:

27 Produce all DOCUMENTS and COMMUNICATIONS related to the Rose Foundation and
28 any "litigation fund" hosted by the Rose Foundation, including the fund titled "Get the Lead Out of

Lake Tahoe,” available at: <https://rosefdn.org/donation-center/donate-to-a-fiscally-sponsored-project/get-the-lead-out-of-lake-tahoe/>.

OBJECTIONS TO REQUEST NO. 30:

Plaintiff objects to this Request because it seeks information that is not relevant to any party’s claim or defense. Fed. R. Civ. Proc. 26(b)(1). In an environmental enforcement action, the issue is whether Defendant has violated the relevant act; DOCUMENTS and COMMUNICATIONS concerning funding of this ACTION has no bearing on any issues related to liability, standing, or applicable defenses. *See La. Envtl. Action Network v. Cintas Corp.*, No. 03-711-C-M2, 2004 U.S. Dist. LEXIS 31841, **3-5 (M.D. La. Sep. 30, 2004). Therefore, Plaintiff is withholding documents responsive to this Request on this basis. Moreover, Plaintiff will not provide a privilege log of these documents because the Request is wholly irrelevant to this Action.

Moreover, Plaintiff objects to this request because it is disproportionate to the needs of the case. Fed. R. Civ. Proc. 26(b)(1). As explained above, the information requested has no bearing on any claims or defenses; thus, the information lacks any importance to the issues at stake in the action and the burden and expense of gathering this evidence outweighs any possible benefit. *Id.* Plaintiffs are withholding documents responsive to this Request on this basis.

Further, Plaintiff objects to this Request because it seeks information that infringes on our donors’ First Amendment rights of free association. *Perry v. Schwarzenegger*, 591 F.3d 1126, 1140 (9th Cir. 2009). The freedom to associate encompasses the ability to make financial contributions in order to further a common goal. *See Buckley v. Valeo*, 424 U.S. 1, 22 (1976) (holding that contribution limitations impinged on protected associational freedoms); *see also Citizens United v. FEC*, 558 U.S. 310, 339, 342-43 (2010). If CSPA were to disclose its donors and potentially open those donors up to further discovery from Defendant’s counsel, this would likely have a chilling effect on current and future donors’ willingness to financially support the organization and/or litigation. *See Tree of Life Christian, Sch. v. City of Upper Arlington*, No. 2:11-cv-00009, 2012 U.S. Dist. LEXIS 32205, at *9 (S.D. Ohio Mar. 12, 2012), citing to *Perry*, 59 F.3d. at 1163. Thus, Plaintiff is withholding documents responsive to this Request on this basis.

1 Finally, Plaintiff objects to the extent this Request seeks disclosure of DOCUMENTS or
2 COMMUNICATIONS that are subject to the attorney-client privilege and/or attorney work product,
3 which are not subject to disclosure. Plaintiff is withholding documents responsive to this Request on
4 this basis.

5
6 Dated: November 20, 2023

AQUA TERRA AERIS LAW GROUP

7
8 /s Erica A. Maharg

Erica A. Maharg

9 Attorneys for Plaintiff CALIFORNIA
SPORTFISHING PROTECTION ALLIANCE
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PROOF OF SERVICE

I am a citizen of the United States, employed in the County of Alameda. My business address is 4030 Martin Luther King Jr. Way, Oakland, California 94609. I am over the age of 18 years and not a party to the above-entitled action. Document(s) served:

• **PLAINTIFF'S OBJECTIONS TO DEFENDANT'S SECOND SET OF INTERROGATORIES**

On November 20, 2023, I served the foregoing document(s) on the parties in this action, located on the **attached service list**, by placing copies thereof in sealed envelopes addressed as shown below for service as designated below:

- | | | |
|------|------------------------------------|---|
| () | <u>By First Class Mail:</u> | Deposited the sealed envelope with the United States Postal Service, with the postage fully paid. |
| () | <u>By Personal Service:</u> | I personally delivered each such envelope to the office of the address on the date last written below. |
| () | <u>By Overnight Mail:</u> | I caused each such envelope to be placed in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for. |
| (xx) | <u>By Electronic Transmission:</u> | Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. |

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 20, 2023, in Hayward, California.



Esmeralda Bustos

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